

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TROUPE,

Plaintiff,

V.

ADAM KAPA, DANIEL WISTIE,
RICHARD HAYWARD, C/O SORSBY,
ANDREW WILLIAMS, EDWIN
HOSKINS.

Defendants.

CASE NO. C14-5529 RBL-KLS

ORDER DENYING MOTION TO
ALLOW DISCOVERY AT
PUBLIC'S EXPENSE (DKT. 28)
AND GRANTING (IN PART)
MOTION FOR EXTENSION (DKT.
29)

Plaintiff David Troupe requests that the Court order Defendants to produce discovery documents at public expense. Dkt. 28. He also moves for a six-month extension of the discovery and dispositive motions deadlines. Dkt. 29. Having reviewed the motions and responses, the Court denies the request for discovery costs and grants a sixty day extension of the parties' pretrial deadlines.

DISCUSSION

A. Discovery Costs

In their responses to Plaintiff's discovery requests, Defendant identified responsive documents and stated “[t]he records are available for review and copying by your representative

1 or paper copies can be purchased at a cost of ten cents per page plus postage costs.” Defendants
 2 also offered to print the responses double-sided to save Plaintiff fifty-percent of the total cost.
 3 Dkt. 32, at 2. This response is consistent with Fed. R. Civ. P 34(a), which provides that the
 4 producing party is to make the relevant production available for the requesting party to “inspect
 5 or copy” any designated documents. There is nothing in Rule 34 that requires the Defendants to
 6 provide paper copies of the identified documents to Plaintiff at the Defendants’ expense.

7 Prison authorities are only required to assist inmates in the preparation and filing of
 8 meaningful legal papers by providing prisoners with adequate law libraries or adequate
 9 assistance from persons trained in the law. *Silva v. Di Vittorio*, 658 F.3d 1090, 1102 (9th
 10 Cir.2011) (*quoting Bounds v. Smith*, 430 U.S. 817, 828 (1977)). Moreover, this assistance is
 11 limited to the pleading stage only. *Id.* (*citing Lewis v. Casey*, 518 U.S. 343, 384, (1996)). The
 12 Court is also not aware of any Department of Corrections’ policy allowing prisoners to incur a
 13 debt for photocopies for discovery.

14 The foregoing is not inconsistent with federal law. The *in forma pauperis* statute, 28
 15 U.S.C. § 1915, provides for the payment of filing fee and service of process only. The Federal
 16 Rules do not entitle an indigent litigant to shift his costs of discovery or other costs of his
 17 litigation to defendants. *See United States v. MacCollom*, 426 U.S. 317, 321 (1976) (“the
 18 expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by
 19 Congress ...”]; *see also Tedder v. Odel*, 890 F.2d 210 (9th Cir.1989) (citations omitted); *Murray*
 20 *v. Palmer*, 2006 WL 2516485, *4, (N.D.N.Y. Aug. 29, 2006) (“Although Plaintiff has been
 21 granted *in forma pauperis* status under 28 U.S.C. § 1915, such status does not relieve him of the
 22 duty to pay his share of the cost of discovery (or somehow shift that cost to either Defendants or
 23 the Court)”).

24

1 **B. Extension of Deadlines**

2 Plaintiff seeks a six month extension of the discovery and dispositive motions deadlines,
3 presently set at March 20, 2015 and May 15, 2015, respectively (*see* Dkt. 17). Dkt. 29. Plaintiff
4 states that since his transfer to Washington State Penitentiary on February 11, 2015, he has
5 received only one box of his legal work but none of his legal documents in this case. He also
6 contends that the requested extension is necessary because Defendants will not produce
7 approximately 500 pages of discovery until he pays for the paper copies. Dkt. 29, at 1-2.

8 Under Fed. R. Civ. P. 6(b), the Court may extend a deadline for good cause if the request
9 is made before the original time expires, or if the time has expired but the party has failed to act
10 because of excusable neglect. Under Local Civil Rule 7(j), parties should file motions for relief
11 from a deadline “sufficiently in advance of the deadline to allow the Court to rule on the motion
12 prior to the deadline.” In cases of a true emergency, the parties are expected to stipulate to an
13 extension. Local Civil Rule 16(b)(4) instructs that “[m]ere failure to complete discovery within
14 the time allowed does not constitute good cause for an extension or continuance.”

15 Plaintiff filed his motion in a timely fashion but does not allege a true emergency.
16 Defendants do not oppose a sixty-day extension of time to allow sufficient time for Plaintiff to
17 obtain the materials he believes he needs to move forward. Dkt. 33, at 2. The Court agrees that
18 based on the circumstances alleged, a sixty day extension of the pretrial deadlines is reasonable
19 at this time.

20 Accordingly, it is **ORDERED**:

21 (1) Plaintiff’s motion to allow discovery at the public’s expense (Dkt. 28) is

22 **DENIED.**

1 (2) Plaintiff's motion for an extension (Dkt. 29) is **GRANTED in part**; the discovery
2 deadline is extended until **May 15, 2015** and the dispositive motions deadline is extended until
3 **July 17, 2015**.

4 (3) The Clerk is directed to send a copy of this Order to Plaintiff and to counsel for
5 Defendants.

6 DATED this 1st day of April, 2015.

7 
8

9 Karen L. Strombom
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24